S.B.Cr.Misc. 2nd Bail App. No.5771/2007

(Saurabh Vs. State of Rajasthan)

Date of order : December 10, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Ramesh Purohit, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

This is second bail application. The earlier bail application came to be dismissed while the matter was at the investigation stage. Learned counsel for the petitioner submits that the investigation has been concluded and the challan has been filed. He has placed on record the challan papers.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State. Carefully gone through the challan papers.

It is contended by the learned counsel for the petitioner that the deceased died at her parents house and on the relevant date of occurrence, the petitioner did not go to the house of the parents of the deceased. Learned counsel has invited my attention to the statement of neighbour Mohan Das, who categorically stated that on 05.10.2007 he was at home and the petitioner Saurabh Kataria did not come to the house of

Shailendra Singh, father of the deceased.

Keeping in view the statement of neighbour Mohan Das and the fact that there is contradictory statement of the mother of the deceased that the petitioner came whereas, neighbour Mohan Das stated that the petitioner did not come, without commenting on the merit of the case, which may prejudice the case of either party at the trial, I consider it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Saurabh s/o Vijay Kataria be released on bail in FIR No.54/2007, P.S. Mahila Thana, Bhilwara provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-